IN THE HIGH COURT OF JHARKHAND AT RANCHI

Miscellaneous Appeal No. 321 of 2013

1) Smt. Maya Devi widow of Late Dhirendra Hazra
2) Jhuna Kumari daughter of Late Dhirendra Hazra
3) Nitesh Kumar son of Late Late Dhirendra Hazra
4) Bilsi Kumari daughter of Late Dhirendra Hazra
5) Prem Kumar son of Late Late Dhirendra Hazra
6) Smt. Anar Devi wife of Arjun Hazra
7) Arjun Hazra son of Late Huro Hazra

The appellant nos. 2 to 5 are at present minor as such they are being represented through their mother and natural guardian namely Smt. Maya Devi, the appellant no. 1 herein;

All resident of village - and post Lataki, P.S. Jamua, Mirajganj District Giridih (Jharkhand)

.... Appellants

Versus

1) Lal Mohan Yadav son of Sri Lochan Yadav (owner of Bolero DI8 STR No. JH 15 B 6465) Resident of Opposite A. S. College Draupadi Sadan, Satsang Gate P.O. Deoghar, P.S. Deoghar, District - Deoghar PIN code-814112 (Jharkhand)
2) Chedan Yadav son of Suren Yadav (Driver of Bolero JH 15 B 6465) Resident of 50/1, L – Road Belgachia Liluah Post – Howrah P.S. Howrah, District - Howrah (West Bengal)
3) I.C.I.C.I. Lombard General Insurance Company Limited (Insurer of Bolero DI8 STR No. JH 15 B 6465) I.C.I.C.I Bank Towers, Rabindra - Kurla Complex P.S. Kurla, P.O. Mumbai - 400051 (Maharastra)
4) I.C.I.C.I. Lombard General Insurance Company Limited Ashirbad Mansion, 2nd floor Plot no. 1794, Main Road Opposite Tirath Apartment Post - Ranchi 834001, P.S. Chutia District – Ranchi
5) I.C.I.C.I. Bank Limited (Financier of the vehicle) Ashirvad Mansion, 2nd floor Plot no. 1794, Main Road Opposite Tirath Apartment Post - Ranchi 834001 P.S. Chutia, District - Ranchi

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE

For the Appellants: Mr. Arvind Kumar Lall, Advocate
Mrs. D. Arati Kumari, Advocate
Mr. Shivam Singh Kashyap, Advocate

For the Respondents: Mr. Mohan Kumar Dubey, Advocate
Mrs. Swati Shalini, Advocate

35/Dated: 11.09.2026

1. Heard Mr Arvind Kumar Lall, learned counsel who appears with Mr Shivam Singh Kashyap, learned counsel for the appellants, Mr Mohan Kumar Dubey, learned counsel for the 1st respondent and Mrs Swati Shalini, learned counsel for the 3rd and 4th respondents (Insurance Company).

2. This appeal challenges the judgment and Award dated 22.05.2013 in Claim Case No. 07 of 2007, passed by the District Judge cum M.A.C.T. Court No. II at Giridih. By the impugned Award, the Tribunal dismissed the claim, holding that the claimants failed to prove any connection with the deceased, late Dhirendra Hazra, and are therefore not entitled to any compensation.

3. The claimants had filed an application under Section 163A of the Motor Vehicles Act to seek compensation on the touchstone of no-fault liability. In such an application, no doubt, the claimants were required to prove that they are the legal heirs of the deceased Dhirendra Hazra on account of whose death in a vehicular accident they were claiming compensation. In paragraph 16 of the impugned Award, the Tribunal has held that the claimants have not proved that they are the legal heirs of late Dhirendra Hazra.

4. Upon perusal of the discussion in paragraph 16, I must say that the Tribunal has unnecessarily adopted the hyper-technical approach to deny any relief to the claimants. The proceedings under Section 163A are, in that sense, summary in nature and based on the documents produced; and, by applying the principle

of non-traverse, the claim should not have been dismissed on such a plea.

5. In any event, the appellants-claimants have filed I.A. No. 1622 of 2021 in this Court seeking relief to place several documents on record which would establish that they are indeed the legal heirs of the late Dhirendra Hazra. Though this I.A. has been styled as an application under Section 151 of the Code of Civil Procedure, in effect, it is an application under Order XLI Rule 27 of the CPC or an application based on the principles applicable under Order XLI Rule 27 of the CPC. Though the coordinate bench allowed the application, it is appropriate that such an application be considered at this stage, i.e., at the final hearing of the appeal.

6. Most of the documents/documentary evidence that is sought to be produced are public documents like Aadhaar Card, Election Identity Card, Ration Card, etc. Accordingly, it is proposed to consider the documents annexed as documentary evidence in this appeal.

7. Based on the documents already produced before the Tribunal and the documents now allowed to be produced in this Court, the appellants will have to be regarded as legal heirs of late Dhirendra Hazra, who admittedly died in a vehicular accident. Since these are summary proceedings, this finding may not *ipso facto* apply in any civil proceedings, if any, between any parties. However, insofar as these proceedings are concerned, based upon the documentary evidence already available on record and the documentary evidence now allowed to be produced, I hold that the appellants are the legal heirs of late Dhirendra Hazra and therefore entitled to compensation for the demise of late Dhirendra Hazra in a vehicular accident.

8. In terms of Section 163A and the notifications issued thereunder, unfortunately, the appellants would be entitled to a maximum compensation of Rs. 5 lakhs. Accordingly, a case is made out for award of compensation of Rs. 5 lakhs to the appellants herein.

9. Mrs Swati Shalini, learned counsel for the Insurance Company, submitted that, time and again, the Insurance Company had expressed its willingness to pay Rs. 5 lakhs upon the appellants producing reasonable proof of their being the legal heirs. Besides, the Insurance Company offered to settle the matter; therefore, the matter was referred to the Lok Adalat on two occasions. She submitted that on all these occasions the appellants refused to settle the matter. She therefore submitted that no interest may be awarded on the amount of Rs 5 lakhs now determined by this Court.

10. Mrs Swati Shalini submitted that even the delay in this appeal is attributable to the appellants. She pointed out that no service was effected upon the Driver for a long time, even though leave was sought to serve the Driver by substituted service. Such service was not effected, and finally the appellants themselves stated that service on the Driver was unnecessary. She therefore submitted that, for all these delays on the part of the appellants, the Insurance Company must not be saddled with any interest.

11. As observed earlier, based on the material on record, the Tribunal should have accepted the appellants' case that they were the legal heirs of the late Dhirendra Hazra. If that had been accepted, the appellants would have received their compensation in 2013 itself.

12. However, the record shows that the appellants were responsible for delaying the matter to some extent, particularly in clearing

office objections and serving all the respondents. Therefore, even if a case is made out for the grant of interest, such interest will be limited to 6% per annum. Further, the appellants will not be entitled to interest for a period of three years due to their own delay in pursuing this matter.

13. The appeal is accordingly allowed. The 3rd respondent is directed to pay the appellants compensation of Rs 5 lakhs with interest at the rate of 6% per annum from the date of the claim petition till the actual deposit/payment of this amount. This amount must be deposited in this Court within four weeks from today, after giving due intimation to the learned counsel for the appellants. However, out of this amount, the 3rd respondent will be entitled to deduct interest for a period of three years.

14. Upon deposit, the appellants will be entitled to withdraw the deposited amount by furnishing identity and bank details. Under no circumstances should the money be transferred otherwise than through normal banking channels.

15. The appeal is allowed in the above terms without any order for costs.

16. Pending Interlocutory Applications, if any, do not survive and are disposed of.

(M. S. Sonak, C.J.)

September 11, 2026
N.A.F.R.
APK/VK
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